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MARTIN & FERRARO, LLP  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632Telephone  
(330) 877-0700Facsimile  
(330) 877-2030

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## TO:

Name: Mail Stop AMENDMENT  
Group Art Unit 3738

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 10/809,149  
Gary K. Michelson

Filed: March 25, 2004

METHOD FOR USING ARCUATE DYNAMIC  
LORDOTIC GUARD WITH MOVABLE  
EXTENSIONS FOR CREATING AN  
IMPLANTATION SPACE POSTERIORLY IN  
THE LUMBAR SPINE

Attorney Docket No. 101.0093-02000

Customer No. 22882

Confirmation No.: 7390

## FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 4

Date: January 11, 2005

Confirmation Copy to Follow: NO

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## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on January 11, 2005.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0093-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 7390
Gary K. Michelson	)	
Serial No.: 10/809,149	)	Group Art Unit: 3738
Filed: March 25, 2004	)	Examiner: Unassigned
For: METHOD FOR USING ARCUATE	)	
DYNAMIC LORDOTIC GUARD WITH	)	
MOVABLE EXTENSIONS FOR	)	
CREATING AN IMPLANTATION	)	
SPACE POSTERIORLY IN THE	)	
LUMBAR SPINE	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant brings to the Examiner's attention U.S. co-pending applications of Applicant listed on Form PTO-1449 for the Examiner's consideration of double patenting.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 11, 2005

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030

OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0093-02000		Customer No. 22882		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson		Application Number 10/809,149		
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date March 25, 2004		Group Art Unit 3738	Examiner N/A	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,486,505	12/1969	Morrison			
	4,545,374	10/1985	Jacobson			
	5,015,255	5/1991	Kuslich			
	5,431,658	7/1995	Moskovich			
	5,571,109	11/1996	Bertagnoli			
	6,494,883	12/2002	Ferree			
	6,520,967	2/2003	Cauthen			
	2002/0111680	8/2002	Michelson			
	2002/0123753	9/2002	Michelson			
	2003/0023209	1/2003	Gruskin et al.			
	2003/0135220	7/2003	Cauthen			
	2003/0199874	10/2003	Michelson			
	2003/0229401	12/2003	Mansouri et al.			
	2004/0073309	4/2004	Bianchi et al.			
	2004/0082958	4/2004	Michelson			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						